

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MINNESOTA**

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United States of America, ex rel Darlene C.  
Sammarco,

Civil No. 09-0880 (JRT/JJK)

Plaintiff,

v.

Cal Ludeman, as Minnesota Commissioner  
of Department of Human Svcs.; Jane  
Morrow, as Anoka County Court  
Administrator, Anoka County; Daniel  
Dauth, as Anoka County Social Services;  
Conservator Derrinda Mitchell, on Your  
Behalf; Attorney Linda Bogut; Dr. Michael  
Popkin, Hennepin County Medical Center  
Director of Psychiatry; Conservator Tracy  
Allen, designee for Professional  
Fiduciaries, Inc.; Karen Foy, Manager of  
Andrew Residence also known as Manager  
of Andrew Residence; Tom Mullon; Dr.  
Jonathan Uecker; and Dr. James H.  
Gilbertson, Phd;

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Defendants.

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The above matter comes before the Court upon the Report and Recommendation  
of United States Magistrate Judge Jeffrey J. Keyes dated January 28, 2010 [Docket No.  
165]. No objections have been filed to that Report and Recommendation in the time  
period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, upon all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Defendant Andrew Residence's Motion to Dismiss (Doc. No. 41), is

**GRANTED**;

2. Defendant Tom Mullon's Motion to Dismiss (Doc. No. 45 and No. 52), is

**GRANTED**;

3. Defendant Jane Morrow's Motion to Dismiss (Doc. No. 56), is

**GRANTED**;

4. Defendant Daniel Dauth's Motion to Dismiss (Doc. No. 111), is

**GRANTED**;

5. Defendant Karen Foy's Motion to Dismiss (Doc. No. 95), is **GRANTED**;

6. Defendant Derrinda Mitchell's Motion to Dismiss Pleadings and/or for a More Definite Statement (Doc. No. 138), is **GRANTED**;

7. Plaintiff's remaining claims against Defendants Cal Ludeman, as Minnesota Commissioner of Department of Human Services, Dr. Jonathan Uecker, Dr. James H. Gilbertson, and Conservator Tracy Allen, designee for Professional Fiduciaries, Inc., are **DISMISSED WITHOUT PREJUDICE** for failure to prosecute;

8. Defendants Daniel Dauth, Andrew Residence, and Karen Foy's oral request for a sanction on Plaintiff's filing of future related cases (*See* Doc. No. 153 (noting oral

request at the January 8, 2010 hearing)), is **GRANTED** to the extent that Plaintiff be prohibited from filing future cases relating to the commitment of her daughter unless she is represented by counsel or obtains pre-authorization from a judge of this Court;

9. The remaining pending motions (Doc. Nos. 125, 127, 128, 133, 134, 142, 144, 146, and 148), are **DENIED**; and

10. This matter is **DISMISSED** in its entirety.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

DATED: February 25, 2010  
at Minneapolis, Minnesota.

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s/ John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge